

NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES. See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

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COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Respondent,)	2 CA-CR 2009-0200-PR
)	DEPARTMENT A
v.)	<u>MEMORANDUM DECISION</u>
)	Not for Publication
JUNIES ALBERRY JENKINS,)	Rule 111, Rules of
)	the Supreme Court
Petitioner.)	
_____)	

PETITION FOR REVIEW FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-19898

Honorable Charles V. Harrington, Judge

REVIEW GRANTED; RELIEF DENIED

Barbara LaWall, Pima County Attorney
By Jacob R. Lines

Tucson
Attorneys for Respondent

Junies A. Jenkins

Tucson
In Propria Persona

H O W A R D, Chief Judge.

¶1 Following a 1987 jury trial, petitioner Junies Jenkins was convicted of child molestation and attempted child molestation. The trial court sentenced him to twenty-eight years in prison. His convictions and sentences were affirmed on appeal in 1988. *State v. Jenkins*, No. 2 CA-CR 87-0605 (memorandum decision filed Nov. 10, 1988). Since then, he has filed in the trial court a number of unsuccessful post-conviction petitions pursuant to Rule 32, Ariz. R. Crim. P., and has unsuccessfully sought appellate review multiple times. *State v. Jenkins*, No. 2 CA-CR 1991-0733-PR (order denying review filed Nov. 27, 1991); *State v. Jenkins*, No. 2 CA-CR 1995-0044-PR (order of dismissal filed Feb. 2, 1995); *State v. Jenkins*, No. 2 CA-CR 2007-0008-PR (memorandum decision filed May 31, 2007); *State v. Jenkins*, No. 2 CA-CR 2008-0241-PR (memorandum decision filed Nov. 25, 2008); *State v. Jenkins*, No. 2 CA-CR 2008-0244-PR (order of dismissal filed Sept. 3, 2009); *State v. Jenkins*, No. 2 CA-CR 2009-0290-PR (order of dismissal filed Sept. 17, 2009). He has also apparently filed a number of civil actions in state and federal courts.

¶2 In April 2009, Jenkins initiated the current proceeding by filing in the trial court a “Notice of Post-conviction Relief—Petition for Rehearing of Original Rule 32 Petition for Post-Conviction Relief,” accompanied by over one hundred pages of attachments. In it, he purported to raise claims of newly discovered evidence, inadvertent failure to file a timely notice of post-conviction relief, significant change in the law, and actual innocence, pursuant to subsections (e), (f), (g), and (h) of Rule 32.1.

¶3 The trial court dismissed the notice and denied Jenkins’s request for rehearing. It ruled in a detailed minute entry, addressing each of Jenkins’s enumerated claims and explaining its conclusion that Jenkins had alleged no colorable, nonprecluded claim cognizable under Rule 32. Jenkins then filed the present “Notice of Appeal” in this court. As the trial court’s ruling is not an appealable order, we treat the “notice of appeal” as a petition for review pursuant to Rule 32.9(c). We will not disturb a trial court’s grant or denial of post-conviction relief absent a clear abuse of the court’s discretion, *State v. Swoopes*, 216 Ariz. 390, ¶ 4, 166 P.3d 945, 948 (App. 2007), and we find no abuse here.

¶4 As best we can determine, the issues and arguments raised in what we are treating as Jenkins’s petition for review bear little correlation to the issues he asserted below. Jenkins has not remotely complied with the requirements of Rule 32.9 by setting forth concise statements of the particular issues decided by the trial court that he wants us to review. As a result, he has failed to show, or even comprehensibly allege, that the trial court abused its discretion in dismissing his latest successive Rule 32 notice and denying his request for a rehearing of his original petition for post-conviction relief.

¶5 Because the trial court clearly identified, adequately analyzed, and correctly resolved Jenkins’s claims below and because Jenkins has not demonstrated otherwise, we approve and adopt the court’s ruling. *See State v. Whipple*, 177 Ariz. 272, 274, 866 P.2d 1358, 1360 (App. 1993) (when trial court has correctly ruled on issues raised “in a fashion that will allow any court in the future to understand the resolution[, n]o useful purpose

would be served by this court[’s] rehashing the trial court’s correct ruling in a written decision”).

¶6 Finding no abuse of the trial court’s discretion in summarily dismissing Jenkins’s latest notice of post-conviction relief and denying his petition for rehearing of his original Rule 32 petition, we grant review but deny relief.

JOSEPH W. HOWARD, Chief Judge

CONCURRING:

PHILIP G. ESPINOSA, Presiding Judge

GARYE A. VÁSQUEZ, Judge